IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

FRIDAY THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE
: PRESENT:
THE HON'BLE MR. JUSTICE: **V. ESWARAIAH**
CRIMINAL PETITION No. **3995 of 2005**

Between:
Subash Naidu Patela S/o late Satyanrayana

.. Petitioner/(Accused in CC.48/2001 on the file of VIIth Addl. Chief Metropolitan magistrate, Hyderabad)

And

1. Jagannath Singh S/o BalajiSingh, Andhra Bank Colony, Asmangadh,Malakpet, Hyderabad
2. The State of A.P., rep by Public Prosecutor, High Court of A.P., Hyderabad

.. Respondent / Complainant

COUNSEL FOR PETITIONER : Mr. R. Sridhar
COUNSEL FOR RESPONDENT : The Public Prosecutor.

Petition under Section 482 r/w 389(1) of Cr. P.C. praying the High Court may be pleased to suspend the sentence and conviction dt. 20-7-2005 in C.C. No. 48 of 2001 on the file of the VII th Addl. Chief Metropolitan Magistrate, Hyderabad and release the Petitioner on bail, pending the Crl.A.No. (SR.No. 5275/05) on the file of the Metropolitan Sessions Judge, Hyderabad

The Court made the following :

ORDER :

Admit.

Issue notice to Respondent No.1, returnable in 10 days. The counsel for the Petitioner is permitted to take out notice by R.P.A.D., and file proof of service.

The Petitioner was convicted by the 7th Addl. Chief Metropolitan magistrate, Hyderabad for the offence punishable under Sec. 138 of the N.I.Act and sentenced to undergo R.I., for a period of one year and to pay a fine of Rs. 3,000/- in default of payment of fine, to suffer S.I., for one month, by judgment dated 20-7-2005.

It is stated that the said sentence was suspended by the learned Magistrate till 9-9-2005.

Aggrieved by the said judgment, the Petitioner filed Crl.A.SR.No. 5275/2005 with a delay of one day. A Petition was filed under Sec. 5 of the Indian Limitation Act to condone the delay of one day and notice was also served and after service of notice, an application was filed to advance the date of hearing of Criminal Appeal, but the said application was opposed by the first respondent and therefore, it was not advanced.

It is stated that as the suspension of the sentence expires today, petitioner requests to extend the said suspension.

Accordingly, there shall be suspension of sentence for a period of two weeks from today.

Post after 10 days.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The VII Addl. Chief Metropolitan Magistrate, Hyderbad
2. The Metropolitan Sessions Judge, Hyderabad
3. Jagannath Singh S/o Balaji Singh, Andhra Bank Colony, Asmangadh,Malakpet, Hyderabad **(BY RPAD)**
4. Two CC's to Public Prosecutor, High Court of A.P., Hyderabad (OUT)
5. One CC to Mr. R.Sridhar Advocate (OPUC)
6. One spare copy.

Skm

HIGH COURT

VE,J

DATED : 12-09-2005

NOTICE: POST AFTER 10 DAYS

BAIL ORDER

Crl. P. No. 3995 of 2005

DIRECTION

HIGH COURT

SKM
DRAFTED ON : 13-09-2005

VE,J

DATED: 12-09-2005

NOTE: POST AFTER 10 DYAS

BAIL ORDER

Crl. P. No. 3995 OF 2005

DIRECTION